2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Submitted by Luxembourg on behalf of the European Union, the candidate countries Bulgaria, Romania, Turkey and Croatia, the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, and Serbia and Montenegro

Article IV

1. Article IV of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) enshrines in strong terms the inalienable right of all States Parties to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II as well as Article III of the Treaty. To take advantage of the possibilities that exist in this area, the States Parties are called on to cooperate. It should be stated unequivocally in this context that any possibility of improper use of civilian nuclear programmes for nuclear military purposes must be effectively excluded.

2. All the NPT review conferences, and in particular those held in 1995 and 2000, have explicitly emphasized the link between peaceful nuclear activities and related cooperation and the non-proliferation obligations that arise from the Treaty.

3. The European Union recalls the conditions laid down by the NPT for the exercise of the right to nuclear energy which is opened up by Article IV: the observance of non-proliferation commitments, the implementation of IAEA safeguards and the pursuit, in accordance with the good-faith principle, of peaceful purposes.

4. The European Union is strongly committed to the objectives of Article IV. Through multilateral and bilateral programmes it encourages the many peaceful and beneficial applications of nuclear technology. One of the most important instruments for the purposes of peaceful nuclear development is the Technical Cooperation programme of the International Atomic Energy Agency (IAEA), which the Union fully supports, especially as regards the needs of the States Parties in terms of development and the benefits they receive from the programme.

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IAEA Technical cooperation

5. According to paragraph 19 of the Decision on principles and objectives adopted in 1995, every effort should be made to ensure that the IAEA has the financial and human resources necessary in order to meet effectively its responsibilities in the areas of technical cooperation. The 25 Member States of the EU collectively make an important contribution to the Agency's budget and provide a significant proportion of the voluntary contributions to its Technical Cooperation Fund.

6. The EU works closely with the IAEA Secretariat and the other States Parties in implementing a programme on established and emerging nuclear techniques, such as the "sterile insect technique" in Africa, Latin America and the Mediterranean region, and landmine detection techniques, which we hope will contribute to play a part in our efforts to eradicate this evil in mine-affected post-conflict areas. We also support the research being done into the possibility of using the sterile-insect technique to eradicate paludism and malaria, as well as research into the use of nuclear techniques against infectious diseases, such as tuberculosis and HIV/AIDS, with the aim of improving health, food security and economic development in many regions of the world.

7. The EU encourages the IAEA to continue its efforts by applying the methodology described below to resolve the problems that exist in the various priority areas of cooperation:

(a) model projects based on demand and needs;

(b) national programming frameworks for the process of selecting projects, including a financial contribution in accordance with IAEA rules;

(c) thematic planning to ensure a decisive impact on human health, agricultural development, industrial applications, radiological protection, self-sufficiency and sustainability;

(d) the adoption of projects that meet the central criterion of the IAEA Strategy.

8. The EU welcomes the increasing importance that the IAEA programmes attach to assisting beneficiary countries to improve the safety of their nuclear facilities, including during the decommissioning phase, as well the safety and security of their nuclear materials and radioactive waste.

9. The EU urges the IAEA to launch education and training programmes that will contribute to the updating of nuclear knowledge so as to meet the needs of both developing and developed countries.

10. The EU is closely following the development of innovative projects in the field of reactors and nuclear fuel cycles, which could lead in particular to the establishment of new approaches to the fundamental issues, namely safety, non-proliferation and the minimization of radioactive waste. The Union approves the IAEA's role in helping Member States, at their request, to draw up projects, whether in the field of using nuclear energy to produce electricity or in the application of nuclear energy in the fields of health, industry, agriculture and research.

11. The EU welcomes the work currently being done by the IAEA and its Member States to improve the safety and security of radioactive sources, including the Code

of Conduct on the Safety and Security of Radioactive Sources, which was finalized in July 2003 and approved by the IAEA General Conference in September 2003. The EU Member States have informed the IAEA Director General in writing of their political commitment to follow the guidelines contained in it. The EU calls on all countries to communicate to the Director General their political commitment to comply with the Code.

12. The EU welcomes the internationally harmonized guidelines on the import and export of radioactive sources, which are in line with the requirements set out in the Code of Conduct on the Safety and Security of Radioactive Sources.

13. The EU welcomes the well-defined draft amendment to the Convention on the Physical Protection of Nuclear Material which has been prepared by a group of technical and legal experts, at the request of the IAEA Director General, with a view to extending the Convention's scope to include physical protection of nuclear facilities, and the domestic use, storage and transport of nuclear material. The EU supports the initiative launched by Austria and by a number of other States Parties to the Convention to invite the Director General of the IAEA to convene a Diplomatic Conference in accordance with Article 20 of the Convention with a view to adopting the draft amendment. The Director General of the IAEA has just convened a Diplomatic Conference from 4 to 8 July 2005, to examine and adopt this draft amendment to the Convention. The EU urges all Parties to the Convention on the Physical Protection of Nuclear Material to participate in the Diplomatic Conference from 4 to 8 July so that the quorum of two thirds of the 111 Parties is achieved, to enable amendments to be adopted. The EU calls on all States which are members of the IAEA and have not yet signed and ratified the CPPNM Convention to do so in its amended version.

14. The European Union stresses the importance of the Convention on Nuclear Safety and the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, and also their peer-review mechanisms. The Union calls on all States Parties that have not yet done so to accede to these Conventions and to apply their resulting obligations in full.

15. States Parties that have not yet done so are invited either to accede to the Vienna Conventions or Paris and Brussels Conventions on civil nuclear liability or to introduce national legislation on civil nuclear liability.

16. Regarding the transport of radioactive material, the EU emphasizes the usefulness of the IAEA's TranSAS service as a way of helping to promote the strict application of regulations in this field. The EU encourages States to make use of this service.

17. The EU is pleased to note the approval of the IAEA's Code of Conduct on the Safety of Research Reactors.

The EU's bilateral cooperation

18. In accordance with the European Union's Strategy against the Proliferation of Weapons of Mass Destruction, decided by our Heads of State and Government in December 2003, the European Union has taken a series of cooperation measures. Here I will only enumerate the ones that are related to the peaceful applications of nuclear energy:

- a Joint Action with the Russian Federation for the conversion of surplus nuclear weapons material into nuclear fuel for civilian use;
- assistance to third countries for the enhancement of the security and safety of their nuclear facilities and the protection of highly radioactive sources;
- assistance to third countries in combating illicit trafficking in nuclear and radioactive materials;
- assistance to third countries to enhance their export controls;
- a Joint Action in support of IAEA activities;
- nuclear safety and security assistance for States of the former Soviet Union on the basis of the TACIS programme;
- nuclear safety and security assistance for EU Candidate States on the basis of the PHARE programme.

19. Conscious of its obligations under Article IV of the Treaty, the EU is engaged in many technical cooperation programmes, which contribute to the peaceful uses of nuclear energy by all States Parties to the Treaty and in particular to the requirements of developing countries.

20. To help achieve a consensus during our Review Conference, the Council of the European Union has adopted a Common Position relating to the 2005 NPT Review Conference. In its Common Position, the Council identified a number of points which seem to us to be fundamental and which cover the three pillars of the NPT non-proliferation, disarmament and the peaceful use of nuclear energy. Insofar as these points relate to peaceful use, they are included in the printed version of my statement, but I shall not enumerate them orally:

- recognizing the right of States Parties to the NPT to nuclear energy for peaceful purposes, in accordance with Article IV thereof, with due regard for Articles I, II and III of the Treaty;
- underlining the importance of continuing international cooperation in order to strengthen nuclear safety, safe waste management and radiological protection and calling upon States that have not yet done so to accede to all the relevant conventions as soon as possible and to implement fully the ensuing commitments;
- noting that the States Parties to the NPT, may, pursuant to Article IV thereof, have resort to peaceful uses of nuclear energy, inter alia in the area of production of electricity, industry, health and agriculture;
- urging the formulation of guarantees of access to nuclear fuel services, or to fuel itself, subject to appropriate conditions;
- noting the report of the IAEA's expert group on multinational approaches to the nuclear fuel cycle and promoting an early start to its scrutiny by the IAEA.

21. In conformity with their international non-proliferation obligations, States Parties to the NPT should subordinate their nuclear cooperation to observance by the recipient States of their international obligations, and in particular by the following criteria:

(a) the recipient country should have in force a Comprehensive Safeguards Agreement with the IAEA;

(b) the authorities of the recipient country should apply effective controls on re-export;

(c) an effective and appropriate level of physical protection should be in place, in conformity with the Convention on the Physical Protection of Nuclear Material and the forthcoming amendments to it and is inspired by the recommendations of the IAEA in this area.

22. Nuclear enrichment and reprocessing technologies are once again the subject of particular attention from the international community because of their dual-use nature (civilian and military). The EU believes it is important to encourage access guarantees to nuclear-fuel-related services or to the fuel itself, under appropriate conditions. In this connection, the EU notes the report of the IAEA experts group on multilateral approaches to the nuclear fuel cycle and the need to start discussing it in the IAEA as soon as possible.

23. The EU reiterates the importance it attaches to the universalization of additional protocols and considers that adherence to such protocols should be considered by all States Parties as the essential means of demonstrating that they are fulfilling their non-proliferation obligations under the NPT.

24. The EU considers that comprehensive safeguard agreements and additional protocols now constitute the IAEA verification standard. A decision to this effect by the present Review Conference would greatly enhance the confidence necessary for more active international cooperation in the peaceful uses of nuclear energy. Moreover, the EU will work within the IAEA to make the IAEA Board of Governors acknowledge that the conclusion of comprehensive safeguard agreements and additional protocols are the verification standard of today.